



THE
JHARKHAND GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

01 AGRAHAYAN, 1943 (S)

No. 567

RANCHI, MONDAY, 22nd NOVEMBER, 2021

Law Department

NOTIFICATION

22nd November, 2021

THE JHARKHAND STATE CIVIL COURTS' COURT MANAGERS
(RECRUITMENT, CONDITIONS OF SERVICE, CONDUCT AND APPEAL)
RULES, 2020

S.O. - 6A /Civil Court (Court Manager Sewa Sartein) -15 / 2021- 1678 /J.--

Preamble- In continuation of NOTIFICATION NO..... /Accounts, dated JHARKHAND GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY No. 55 14 Magh, 1933 (S) Ranchi Friday 3rd Feb'2012. JHARKHAND HIGH COURT AT RANCHI Dated Ranchi the 02nd February, 2012 No. 36/A---and in light of the letter of Hon'ble Sri Ravi Shankar Prasad, Minister of Law and Justice and Electronics and IT, Government of India, through letter No. DO NO.N-17/76/2017-NM dated 24.10.17, a separate permanent cadre of administrators for Court administration, Court management, Court financing etc. needs to be created at the State level & in light of Order dated 02.08.2018 passed by Hon'ble Supreme Court of India in Interlocutory Application No. 279 of 2010 in W. P. (Civil) No. 1022 of 1989 [All India Judges Association & Ors. Vrs. Union Of India & Ors.] wherein the Hon'ble Supreme Court has directed to regularise all the Court Managers,

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Jharkhand, in consultation with the High Court of Jharkhand, is hereby pleased to make the following rules to regulate the appointment and other conditions of service of Court Managers in the District and Subordinate Courts of Jharkhand.

PART I

1. Short title, commencement and extent of application:-

a) These Rules may be called THE JHARKHAND STATE CIVIL COURTS' COURT MANAGERS (RECRUITMENT, CONDITIONS OF SERVICE, CONDUCT AND APPEAL) RULES, 2020 and they shall come into force on the date as notified in the official Gazette.

b) These Rules shall apply to all the Court Managers appointed in the Subordinate Courts of the State of Jharkhand.

2. Definitions:-

In these Rules, unless the context otherwise requires-

- a) 'Board' means any recognized Institution conducting examinations upto intermediate standard or awarding diplomas as may be declared by the Chief Justice to be so recognized for the purpose of these Rules.
- b) 'Chief Justice' means the Chief Justice of Jharkhand High Court.
- c) 'Constitution' means Constitution of India.
- d) 'Court' means Jharkhand High Court.
- e) 'Establishment' includes all offices, Departments, Sections, Branches and other Ancillary Unit and Wings of the Civil Courts.
- f) 'Court Manager' means a person appointed in accordance with these Rules or the Rules or orders in force prior to the commencement of these Rules.
- g) 'Member of the Staff' means upto the rank of class III and IV working in the Establishment of the Civil Court.
- h) 'Schedule' means the schedule appended to the Rules.
- i) "Service" means Court Managers for District Courts of Jharkhand.
- j) "Subordinate Courts" means the Subordinate Courts in the State of Jharkhand;
- k) "State Government" means the State Government of Jharkhand.
- l) Words and expressions used and not defined in these Rules shall have the same meaning, assigned to them in the CIVIL COURT RULES.

PART-II

3. **“Appointing Authority”** The appointment of Court Managers in the District and Subordinate Courts shall be made by the High Court.

4. The administrative control shall be of the Principal District and Sessions Judges/Judicial Commissioner, as the case may be, in the Subordinate Courts.

5. **Appointment of persons in the establishment of the Court-** Appointment of the Court Managers in the Civil Courts of Jharkhand shall be made:-

1) By Direct Recruitment through written examination followed by interview, or

2) Regularisation by way of absorption of Court Managers already working as Court Managers, in light of directions of Hon’ble Supreme Court as one time measure.

3) Any employee already working in the establishment of Civil Court having a degree of MBA or equivalent from a recognized institution shall be eligible to participate in the selection process for consideration of candidature as per the provision of Rule 5(1) subject to eligibility criteria as per Rule 8(2) with the prior approval of the the competent authority.

6. Constitution of Service:

The Service shall consist of the cadre viz. Court Managers at District & Subordinate Courts of the State of Jharkhand.

7. Eligibility:-

No person shall be eligible for appointment to the Service by direct recruitment, unless he satisfies the Appointing Authority-

1) That he/she is a citizen of India.

2) That he/she is of sound health and clean habits;

3) That his/her conduct, character and antecedents are such as to qualify him for the service;

4) That he has completed 25 years of age on the date of advertisement by the High Court or cut of date, if any

Provided that-

i) The upper age limit for other reserved categories residing in the Jharkhand State shall be computed as per the resolution of Department of Personnel, Administrative Reforms & Rajbhasha, Government of

Jharkhand, Ranchi in force on the date of advertisement.

ii) The Chief Justice may, at his discretion, relax the age rule, if he considers it necessary in individual cases.

5) That he/she possesses the educational qualification and/or experience as indicated in Rule 8.

8. Qualification:-

1. A degree or Advanced Diploma in General Management preferably MBA from a recognized institution.

AND

2. Five (5) Years Experience/ Training in System and Process Management.

OR

Five (5) Years Experience / training in IT Systems Management, HR Management and Financial System Management.

9. Regularisation by way of Absorption:-

a) Those personnel serving as on the date of commencement of these Rules, as Court Managers in District and Subordinate Courts in the State of Jharkhand, having been recruited as per the notification dated 03.02.2012 published in **"JHARKHAND GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY No.55 14 Magh, 1933 (S) Ranchi, Friday 3rd Feb'2012. JHARKHAND HIGH COURT AT RANCHI Dated Ranchi the 02nd February, 2012 No. 36/A"** shall be eligible for one time regularisation by way of absorption in the cadre of Court Manager which they may be holding on the date of commencement of these Rules in terms of the direction passed by Hon'ble Supreme Court in I.A. No. 279 of 2010 in W.P. (C) No. 1022 of 1989.

b) The regularisation by way of absorption under Sub Rule (a) as mentioned above shall be a one- time exercise.

c) The personnel, not recruited as per the guidelines laid down in the **"JHARKHAND GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY No. 55 14 Magh, 1933(S) Ranchi, Friday 3rd Feb'2012. JHARKHAND HIGH COURT AT RANCHI Dated Ranchi the 02nd February,2012 No.36/A"** and the personnel, not in service as on the date of commencement of these Rules, in any category of post, shall not be entitled for regularisation by way of absorption as mentioned above.

10. **Pay Scale:** - 7th Pay Commission Level-11, 67700 & 6th Pay Commission (PB-III): 15600-39100 Grade Pay 6600/-

11. Promotion:-

(i) There will not be any post for regular promotion in the cadre, since it is single cadre post.

(ii) The benefit of MACP will be implemented in light of Sankalp No. 2981 dated 01.09.2009 of the Finance Department, State of Jharkhand or any subsequent resolution for financial upgradation by the State Government.

(iii) The duration of service for taking the benefit of MACP will be computed from the date of joining/taking charge on the post of Court Manager.

12. Seniority:-

(a) Court Managers in the District and Subordinate Courts in the State of Jharkhand, recruited on contractual basis as per the guidelines laid down in **the "JHARKHAND GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY No.55 14 Magh,1933(S) Ranchi, Friday 3rd Feb'2012 JHARKHAND HIGH COURT AT RANCHI Dated Ranchi the 02nd February,2012 No.36/A"** shall be placed in the same order of seniority of their appointment in the respective post and continuing in service as on the date of commencement of these Rules, irrespective of the date of their actual regularisation by way of absorption into a category of post, which they are holding as on the date of commencement of these Rules.

(b) Court Managers in the District and Subordinate Courts appointed by direct recruitment shall be placed in the same order of seniority as indicated in their appointment order/merit list issued by the High Court based on their performance in the recruitment process and they shall be placed below the absorbed candidates.

(C) Seniority of Court Managers shall be counted after the date of regularization.

13. Probation:-

A) Persons appointed to the service by direct recruitment or by regularisation by way of absorption shall be on probation for two years from the date of their initial appointment and their confirmation in service shall be subject to clearing the probation period successfully. In any individual case and class of cases, the Hon'ble Court may extend period of probation.

B) Confirmation-A probationer shall be confirmed substantively at the end of his probation period (or extended probation period) if his work and conduct during the period of probation have been found to be satisfactory.

14. Existing Members of the Establishment-The Court Managers of Civil Courts will be member of Establishment of Civil Court under these rules for all intents and purposes. Any matter not covered under this shall be governed by “**The Jharkhand State Civil Courts’ Officers and Staffs (Recruitment, Promotion, Transfer and other Service Conditions) Rule 2018**”.

15. Relaxation –The Chief Justice may from time to time with respect to any individual case or for any class or group of cases relax any condition or any requirement as it relates to age, qualification or minimum experience, as is or may be prescribed in or under these Rules.

16. Interpretation –If any dispute or question arises relating to the applicability or interpretation of these Rules, the decision of the Chief Justice shall be final.

17. Regulations and Administrative Orders-

A) With a view to achieve the purpose of these Rules and also to carry into effect the provisions and objectives contained therein, the Court may, from time to time, make regulations or issue Administrative Orders.

B) Without prejudice to the generality of the foregoing power, such regulations or orders may relate to, or provide for:-

- i) a procedure for making direct appointments ,including the conduct of examinations and the fees required to be paid by the candidates desirous of appearing in such examinations ;
- ii) the provision or prescription of any special examinations or tests for clearance of probation; or

18. Amendment of the Rules-The High Court may, from time to time, amend these Rules.

19. Punishment Penalties-

A) The following penalties may for good and sufficient reasons, and as hereinafter provided, be imposed upon the Court Managers in the District and Subordinate Courts, namely-

Minor Penalties:

- i) censure;
- ii) fine,
- iii) withholding of increments or promotion, and
- iv) recovery from pay of any loss caused to the State.

Major Penalties

- i) pre-mature (compulsory) retirement;
- ii) removal from service, which does not disqualify for future appointment, and
- iii) dismissal.

B) Without prejudice to the generality of the provisions of law, no order imposing any 'minor penalty' shall be passed against a Court Manager unless he/she has been given an adequate opportunity in writing of making a representation that he may desire and before taking such representation into consideration.

Explanation- While giving an opportunity of making representation, the Court Manager shall be informed in writing the substance of the accusations/ allegations against him and he would be asked to submit his detailed reply/defense with respect thereto.

20. Residuary Matters: - With Regard to preferring appeal against the punishment and the matters not specifically covered under these Rules including the matters governing service conditions of the Court Managers, their conduct and discipline, the Court Managers shall be governed by the **Jharkhand Government Servant (Classification, Control and Appeal) Rules-2016**, as well as by Law, Rules and Regulations or norms applicable to the State Government Employees in general in so far as these are not inconsistent with, or repugnant to these Rules.

21. TRANSFER-The service of the Court Managers of District and Subordinate Court will be transferable as per administrative exigency or in public interest as per the direction of the High Court.

22. Reservation- Rule of reservation/roster applicable in the State of Jharkhand shall be applicable.

23. Repeal and Savings:-

1. The guideline notified in **JHARKHAND GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY No. 55 14 Magh, 1933 (S) Ranchi Friday 3rd Feb'2012. JHARKHAND HIGH COURT AT RANCHI Dated Ranchi the 02nd February, 2012 No. 36/A** is hereby repealed.

2. Notwithstanding such repeal, any order, rule, notification or scheme made or anything done or any action taken in pursuance of any provision of the said guideline, shall be deemed to have been made, done or taken under the corresponding provisions of this Rule.

ANNEXURE- "A"

Duties and Responsibilities of COURT MANAGERS

Nature of work- The duties of Court Managers for the District Courts shall be to assist the Principal District & Sessions Judge /Judicial Commissioner in administrative duties including formulation of policy for better e-governance, disposal of cases and for efficient court management.

A. Policies and Standards

For the Managers at the District and Subordinate Courts:-

- Based on applicable directives of High Court, a performance standard will be established and looked after by the Managers which shall include **Induction training of the employees.**
- Carry out an evaluation of the Compliance of the Court with standards, Identify deficiencies and deviations, identify steps required to achieve compliance, maintain such an evaluation on current basis through annual updates. For the same the managers shall :-

Prioritization of Cases –The cases may be prioritized as Fast Track Cases, Normal Track Cases and Slow Track Cases depending on the age of the cases year wise and according to its stage of the case and may be listed as per the prioritization.

The Registrar and Chief Administrative Officer shall exercise supervisory jurisdiction over the functioning of Court Managers.

B. Planning**For the Managers at the Judgeships of the State**

- In consultation with the Stakeholders of a Court (including the Bar, ministerial staff, Executive Agencies supporting Judicial functions such as prosecutors/police/process serving agencies and Court users) to prepare and update annually a 5 year Court Development Plan (CDP)
- Look after the implementation of the CDP and report to superior authorities on progress.

CASE/COURT MANAGEMENT

- To ensure that the processes and procedures of the Court (including for filing, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully compliant with the policies and standards established by the High Court for Court Management and they safeguard quality, ensure efficiency and timeliness and minimize costs to litigants and to the State and enhance access to Justice.

Information and Statistics

- Ensure that reports on statistics are duly compiled and provided as required

DAY TO DAY ACTIVITIES, FUNCTIONS AND DUTIES

- i) Management cadre shall ensure that the processes and procedures of the Court i.e. filing, scheduling, conduct of adjudication, access to information and documents and grievance redressal are fully compliant with the policies established by the High Court for Court Management and that they shall safeguard quality, ensure efficiency and timeliness, and minimize costs to litigants and to the State, and enhance access to justice.
- ii) Ensure that Case Management systems are fully compliant with the policies and standards established and timeliness, costs to litigants and to the State.
- iii) The Principal District & Sessions Judge/ Judicial Commissioner may assign any duty by general or special order, from time to time.

- iv) Personnel appointed under the Management cadre shall report as per separately mentioned reporting channel.
- v) Any other work assigned by The Principal District & Sessions Judge/Judicial Commissioner, Registrar or Chief Administrative Officer.
- vi) Court Managers can not interfere with policy decisions.

COURT MANAGER ROLES AND RESPONSIBILITIES

<u>DISTRICT COURT</u>
<u>Fiscal Administration-</u> Look after all the work of Court budgets ,administrating accounting ,purchasing, payroll and financial control functions, acquiring and overseeing grants and guiding and budget
<u>Case Flow Management-</u> Look after of post disposition activity, assessment of compliance with orders and continuous process evaluation
<u>Human Resource Management-</u> Inter District Transfer Related Work of employees, Matter regarding compassionate appointment ,employees Grievance /complaints related work, Employees ACR related work
<u>TECHNOLOGY MANAGEMENT-</u> Evaluating technology based opportunities for expanding the Court system capacity, providing technologies to navigate information systems, providing electronic transmission of and access to data, images and other files in automated records management and retrieval systems, utilizing Court room technology and implementation of other computer assisted systems that can improve Court performance.
<u>INFRASTRUCTURE –</u> In Consultation with the stakeholders of a court (including the Bar, ministerial staff, Executive Agencies supporting judicial functions such as prosecutors/policies /process serving agencies and court users)prepare, implement and update annually a 5 years court wise Court Development Plan.
<u>Statistics-</u> Ensure that reports on statistics are duly compiled and provided as required
<u>RESPONSIVENESS MANAGEMENT –</u> Access to Justice Legal Aid and User Friendliness-Ensure that the court meets standards established by the High Court on access to justice, legal aid and user friendliness.
<u>Look after OF SECTIONS /COURTS/OTHER DEPARTMENT AND Look after OF STAFF-</u> Court Registers and Receipts, Centralize Filing Centre, Talwana Section, Nazarat Section, Copying Section, Malkhana Library, Record Room Section, Computer Section, work Assignments to employees in case of Court is vacant or Judicial Officer is on leave Arrangement of alternate for Court, if the Judicial Officer is on leave. Any other work assigned by the Principal District and Sessions Judge / Judicial Commissioner.

Annexure- B

REPORTING CHANNEL OF COURT MANAGER DISTRICT COURT:

**PRINCIPAL DISTRICT AND SESSIONS JUDGE or ANY JUDGE
AUTHORIZED**

•

**REGISTRAR/Chief Administrative Officer/Chief
Shrestedar**

•

COURT MANAGER

•

OTHER MINISTERIAL CADRE OF THE JUDGESHIP

By order of the Governor of Jharkhand,

Mukulesh Chandra Narain,
Principal Secretary-cum-L.R. (I/C)
Law Department
Government of Jharkhand, Ranchi
